

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

MICHAEL A. RIDENOUR,
Plaintiff,

vs.

CIVIL ACTION NO. 1:07CV25

M. DREW CRISLIP,
Defendant.

ORDER

On the 20th day of August, 2007, came the Plaintiff, Michael A. Ridenour, in person, but not represented by counsel, pursuant to his Application Proceed without Prepayment of Fees and Affidavit, filed herein on February 22, 2007 (Docket Entry 2).

Thereupon, the matter was heard upon the duly sworn testimony of Michael A. Ridenour.

Upon consideration thereof, the Court finds that Plaintiff is disabled and receives Social Security benefits in the approximate amount of \$1,000 per month. The Court further finds that Plaintiff is court ordered to pay from said Social Security disability benefits the sum of \$431.90 per month for the support of four children. The Court further finds that Plaintiff has remaining disposable income in the amount of \$567.10 per month. The Court further finds that Plaintiff has no other income, no interest in real estate, no stocks, no bonds, no securities or other financial instruments. The Court finds that Plaintiff owns title to a 1997 Dodge Ram truck, valued by Plaintiff at \$1,000; and a 2001 Dodge Ram truck, valued by Plaintiff at \$2,000.

Plaintiff testified he conveyed a 2005 Harley Davidson full-dress motorcycle, valued at \$15,000, and a 2005 Harley Davidson soft-tail motorcycle, valued at \$8,000, to his live-in girlfriend, Kathy Moser. The Court finds that Kathy Moser does not have an endorsement on her driver's license which permits her to operate any motorcycle on the highways of the State of West Virginia and that Kathy Moser has not operated either one of the motorcycles since they were conveyed to her in 2005. The Court further finds that Kathy Moser is employed, three days per week, as a nurse

with unknown income. The Court further finds that Plaintiff conveyed his interest in the real estate and mobile home trailer, in which he and Kathy Moser now reside to his fourteen-year-old son, when that son was three years old.

The Court concludes therefrom that Plaintiff has the sufficient disposable income and/or assets with which he could pay the filing fees and costs associated with the within civil action. Accordingly, Plaintiff's Application to Proceed without Prepayment of Fees, in accord with 28 U.S.C. §1915, in **DENIED**.

It is, accordingly, **ORDERED** that Plaintiff pay the required filing fees and other associated costs of the within civil action to the Clerk of the United States Court for the Northern District of West Virginia on or before September 19, 2007, or face dismissal of action from the docket of the court.

The Clerk of the United States District Court for the Northern District of West Virginia shall provide a copy of this order to Plaintiff.

DATED: August 21, 2007



JOHN S. KAUL
UNITED STATES MAGISTRATE JUDGE